

FOR IMMEDIATE RELEASE
FEBRUARY 16, 2000

CONTACT: GLENN BRIERE
(617) 727-6200, EXT. 123

**STATE'S HIGH COURT UPHOLDS DeNUCCI
ON MBTA BUS SHELTER PRIVATIZATION**

The Supreme Judicial Court today unanimously upheld State Auditor Joe DeNucci's rejection of a Massachusetts Bay Transportation Authority proposal to privatize bus shelter maintenance in the Boston area.

In dismissing a lawsuit that the MBTA has pursued at taxpayers' expense for the past three years, the SJC ruled that DeNucci's objections to the privatization plan were "reasonable" and within his legal mandate to independently review such contracts.

In the December 1996 decision, DeNucci ruled that the MBTA proposal failed to meet the cost-saving requirements of the state's privatization law because it intentionally understated the number of bus shelters that the MBTA's employees had historically cleaned and maintained.

The opinion written by Justice Ruth Abrams stated that "the record amply supports the Auditor. There was ample evidence that the MBTA did not clearly establish that its 'in-house' and 'contract' cost estimates were based on the same number of bus shelters . . . We conclude that the Auditor's objections were grounded in the record and well within his statutory powers."

DeNucci said he was pleased that the court's ruling finally puts this matter to rest.

"It verifies the fair, objective and professional work of my office in making privatization decisions," DeNucci said. "Unfortunately, the MBTA and the administration wasted over a million dollars in taxpayers' money on legal fees pursuing this groundless lawsuit. Had they been open and honest in their proposal, they could have realized the significant financial benefits of this contract three years ago. It's a disgrace that public money was wasted on this charade."

DeNucci's praised the work of Attorney General Tom Reilly's office in representing him in the lawsuit.

"My office will continue to render its decisions fairly, according to law, and in the public's best interests," DeNucci concluded.

